

2.75 BEER HELD INTOXICATING

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REPUBLICAN FARMER.

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Taft Now Appeals To Democratic Senators STRIKE FEVER SPREADS THROUGH CITY

SALE OF WEAK BEER IS VIOLATION OF DRY LAW FEDERAL COURT HOLDS

NEW HAVEN LIQUOR DEALER ARRAIGNED BEFORE JUDGE CHATFIELD—FINDING TODAY OF COURT STARTLES LOCAL DEALERS WHO HAVE KEPT OPEN.

New York, July 24.—Beer of 2.75 per cent. alcoholic content is held to be intoxicating within the meaning of the war time prohibition act in a decision returned by Federal Judge Thomas I. Chatfield of Brooklyn, in a test case brought by the government against Martin Schmauder of New Haven, Conn., who was charged with selling beer in violation of the war time prohibition law.

Schmauder demurred to the government's charge on the ground that the information against him did not specify that the supposed beer alleged to have been sold was intoxicating. Judge Chatfield overruled the demurrer and ordered that Schmauder must plead to the indictment.

"Under the internal revenue laws all standards by which Congress could have viewed the matter were embodied in the present information (1.75 per cent. beer was of the class known as intoxicating liquor, and as such its sale was prohibited," says the opinion.

Constitutionality of the war time prohibition act was upheld in an opinion handed down yesterday by Judge Chatfield in a test case against Stephen A. Minery, a Meriden, Conn., saloon keeper. Rulings were sought in each instance by the Liquor Dealers Association of Connecticut.

Hearings on the two suits were recently held in New Haven where Judge Chatfield sat in the place of Federal Judge Edwin S. Thomas of Connecticut. It is reported an appeal will be taken in each case.

The government information, the opinion today says, "does not include the word 'intoxicating' and the defendant seeks by this demurrer to obtain a ruling that no crime can be committed by the sale of a malt product containing alcohol and being of the general class which has been and is sold over the bar in saloons as beer, but which is that sort of beer now manufactured by the brewers since the restriction upon the use of grain, and which does not contain as much as 2.75 per cent. alcohol.

"It was argued in the support of the demurrer that such beer was not in fact intoxicating for the reason that before a person could obtain a sufficient quantity of alcohol to intoxicate he would have to drink to such an extent as to make him ill, or to exceed the capacity of consumption at a single sitting. The information does not state that it contains alcohol and is a malt product and to this extent and in this way the material is excluded from the class of non alcoholic beverages such as root beer and other drinks which are not the product of malt.

"The statute expressly limits the effect of this portion of the law to products of malt and various fermentations. This of itself militates against the idea that the sole purpose of the statute was to conserve food and indicates that a part of the purpose was to accomplish prohibition with the incidental beneficial result upon the health of the nation and the increase in orderly behavior which the advance of prohibition believes will follow.

slow restriction of the liquor traffic and the prohibition of alcoholic beverages.

"It is apparent that the intent of the Congress was to prohibit the sale of those malt products which were commonly known as beer, and which were also commonly supposed to be intoxicating, which had always been classified as an intoxicating liquor and which because of their alcoholic content had some effect upon the production and man power of the nation while at the same time using in their manufacture some of the food products of the nation which were needed for the purposes of the war and for the purpose of restoring conditions after the termination of hostilities so far as Congress had power to regulate conditions after the war as a part of its military operation and conduct.

"It is evident that if Congress were making a tremendous drain upon the resources of the country for immediate war purposes should thereby make it necessary to regulate the use of material immediately thereafter in order to bring matters back to a normal base, the laws by which such restoration would be had can properly be made a part of the military measure which must be adopted in order to carry on the war. It is therefore justified under the power of the United States in waging war, as has been decided in the case of the United States against Minery in that district in an opinion filed upon this day.

"Congress has in mind," the opinion asserts, "to say beer or any other product of malt of an intoxicating nature." The thought was that expressed in the selective service law, which says no intoxicating liquor, including beer, ale or wine, or either statement would suggest that Congress classified and intended to classify, beer as intoxicating and merely made sure that it was covered by the law in case dispute arose. The law surely included beer and showed that Congress understood it to be intoxicating.

After quoting several recent decisions in cases brought to test the validity of the war time prohibition act, the opinion concludes:

"It is apparent that no court has held that Congress did not intend at the time of passing this law to prohibit lager beer containing any amount of alcoholic content sufficient to make it taxable by the revenue department. It is apparent that no court has held that Congress did not intend to bring the act within the prohibition of the selective service law, which prohibited the sale of any intoxicating liquor including wine and beer.

"In other words, the statute intended to conserve food, to increase the man power of the nation and to protect the organization of the army prohibiting the sale of beer which has a small quantity of alcohol to such an extent as to interfere with the morals, the physical welfare or the good order of the community. Whether or not the mere sale of malt beer even though it has no sufficient alcoholic content to fully intoxicate is of itself detrimental, whether the sale of such liquor (even though it would not fully intoxicate) is disadvantageous from the standpoint of the conservation of food are things with which the court has nothing to do. That is a question for the calm discretion of Congress and it is evident Congress intended by the act under consideration to prohibit the sale of any such beer.

"The period during which this law can be enforced must be more or less brief. Even if it should continue until the prohibition amendment to the constitution shall take effect, the period is not long. But Congress has the power at any time to modify the statute and Congress has also the power to pass a law interpreting the statute if beer which has a tendency to produce intoxication (in the sense of affecting control over the faculties of the mind, muscles or emotions of an individual but will not fully intoxicate) is not the substance intended to be prohibited.

RUSSIAN TROOPS QUIT BRITISH; JOIN REDS

London, July 24.—The government has received a dispatch from Major General William E. Ironside, commander-in-chief on the Archangel front, stating that the Russian troops have mutinied and joined the Bolsheviks, handing over the town of Onega and the Onega front to the enemy. The latter also tried to take the railroad front but were repulsed. There are few British troops on the railroad front and none on the Onega front. General Ironside now has the situation in hand.

WILL CONTINUE TO MAKE AND SELL 2.75 BEER

Louis Kutcher, head of the Home Brewing Company, when informed of the decision against 2.75 per cent. beer stated that his company would continue to make and sell 2.75 per cent. beer until unofficial notice from some one in authority had been received to stop the manufacture. "And then," said Mr. Kutcher this afternoon, "we will decide what will be done after that. I had not known of this decision until I was told of it by the reporter and there is not time enough to make plans as to future policy."

The attitude of Mr. Kutcher which is the attitude of brewers in other parts of the state, will probably be followed by all of those engaged in the business here in Bridgeport. So long as there is a demand for 2.75 per cent. beer it will be made and the production will probably continue while the fight is being waged in the United States Supreme Court, unless that court should issue an order restraining the manufacturers.

81 EX-SOLDIERS SEEKING TO BE MADE CITIZENS

Many Italians and One German Included in the Number.

Eighty-one soldiers who served in the great war will appear before Judge Curtis in the Superior court tomorrow to ask for citizenship papers. This is a special session of the court called for the purpose of enabling service men to become citizens without the usual delay.

Examiner Church of the Naturalization Department of the Department of Labor will be present to question all applicants to see if they can qualify as citizens. Thirty-six of the applicants are natives of Italy. The only native of Germany on the list is Carl J. Brenner of this city. Next to Italy the largest number of applicants come from Ireland. There are ten from the Emerald Isle. It is expected that all applications will be heard tomorrow.

of one per cent. of alcohol and by objecting to that information, while following the language of the state and the thought of Congress, does not also charge that such substance is 'intoxicating.'

"...no account of the charge of selling liquor could be directed in the case the jury found that the person receiving the liquor would not be intoxicated thereby. The only defense would be that no person could receive any intoxicating effect therefrom or in other words that it was not beer of the sort which Congress had in mind in using the word 'beer' in the meaning of that word as used at the time of the passage of the act—in other words any kind of malt beer which was in the legal sense an 'intoxicating liquor' as Congress and public usage understood the term. It could never be intended to leave to each jury the right to decide what it considered intoxicating liquor and on the contrary it was not intended to leave to a jury the right to say what Congress meant."

"Under the internal revenue laws and all standards by which Congress could have viewed the matter—the beer described in the present information was of the class known as 'intoxicating liquor,' and as such, its sale was prohibited."

Desires Treaty Action

Sends Message to Sen. Hitchcock to Make Modifications.

DEMOCRATS WILL REFUSE CHANGES

Claim Treaty Will Be Ratified Without Any Reservations.

Washington, July 24.—Former President Taft, who has written to several Republican Senators and leaders suggesting reservations to the peace treaty which might be acceptable to both sides, has opened correspondence on the subject with prominent Democratic Senators.

Senator Hitchcock, one of the leading spokesmen for the administration in the Senate fight, received a note today from Mr. Taft.

The former president's communication to the Nebraska senator was not made public, but it was understood to be of the same general tenor as those sent to the Republicans—suggestions for agreement on treaty reservations or interpretations to facilitate ratification.

Senator Hitchcock and other administration spokesmen declared today, however, that for the present, at least, they would continue their efforts for ratification without reservations. Expressing confidence that there was no question but that the treaty would be ratified, they said the fight now centered on the difficulties in negotiating ratification in which would be embodied any reservations or interpretations.

Contending that Senate rules required a vote on each article of the treaty, the administration leaders said they believed they had the votes to defeat amendments to any section as a simple majority only would be required.

Conceding that strength might develop to compel acceptance of a ratification resolution with qualifying clauses the administration senators said they had not yet been advised by President Wilson whether he would be disposed to accept any interpretations. It was said, however, that an unprovoked attack by Germany to the last, any qualifying clauses which would require negotiation of the treaty.

Inquiring why the treaty with France proposing that the United States aid that country in the event of an unprovoked attack by Germany has not been submitted to the Senate, Senator Brandegee, Republican, Connecticut, read into the record today a magazine article quoting the text of the document requiring ratification in which was the phrase "at the same time" as the treaty with Germany.

While the Connecticut senator was reading the article a White House messenger entered with a message from the President.

"Maybe the authenticated text of the treaty," said Senator Brandegee, "is not the one that is in the envelope, then replied:

"I will say to the senator that it is."

When Mr. Marshall had opened the envelope, however, he found that instead it was a proposed extension of the British-American waterways convention, first adopted in 1826, and he again interrupted Senator Brandegee to change his announcement.

Secretary Lansing, who returned to Washington today from Paris, had a long conference with the President at the White House during the forenoon, discussing the situation at the peace conference and other matters.

WALKED INTO MOVING AUTO GETS BRUISES

Mary Campbell, of 469 Noble avenue is at St. Vincent's hospital recovering from shock and bruises received last evening when in crossing Cannon street on Main street, she walked into a moving bus going west. The car was operated by Frederick A. Wheeler, of 243 Carroll avenue.

TO BUILD GIANT AIRSHIPS 1,000 FEET LONG

Washington, July 24.—Two gigantic ocean liners larger than any ships now afloat and designed to cross the Atlantic in four days, are to be built by the Shipping Board. They will be 1,000 feet long and of 30 knots speed and will be equipped for use as commerce destroyers in the event of war.

Announcement was made today by the Board that plans for the ships had been completed and work on them could be under way at no very distant period of time.

RACE RIOTING AT THE CAPITAL QUIETS DOWN

Washington, July 24.—Although there were reports of isolated outbreaks by negroes, including the firing into a street car, last night passed without serious renewal of the race rioting which has terrorized the national capital since Saturday. Presence of 2,000 armed soldiers and co-operation generally by the public with the request of the city authorities that street traffic be held at a minimum resulted in quieting the situation and both the military and city officers expressed belief there would be no more serious trouble.

PACIFIC FLEET NOW ENTERING CARRIBBEAN

Aboard the Battleship U. S. S. New Mexico, Wednesday, July 23.—(By Wireless to the A. P.)—The Pacific fleet, en route to the Western coast, today entered the Caribbean Sea.

Admiral Rodman stated today he anticipated no difficulties in negotiating the passage of the Panama Canal. He has completed his plans for the passage and forwarded them by destroyer to the governor of the canal zone for inspection.

The weather remains excellent.

GEN. DICKMAN GETS ORDERS TO GO TO MEXICO

Burlington, Vt., July 24.—Major-General Dickman, who has been in command of the American Army of Occupation overseas, with headquarters in Coblenz, and who has recently returned to his home in this city, today received formal orders from the War Department assigning him to the command of the Southern Department of the army, and to proceed to Fort Sam Houston, Texas, for duty.

General Dickman is well known in this city, having been in command several years ago at Fort Ethan Allen until August, 1917. After various actions in which his division took part he was assigned to the Army of Occupation until May, when he was relieved by General Liggett. General Dickman was then ordered to Truxes as president of the board on tactics and lessons of war.

FRENCH TROOPS ATTACKED BY BULGARIANS

Geneva, July 24.—As the result of an attack on French soldiers by Bulgarians a French regiment has arrived at Sofia, the Bulgarian capital, today. The regiment, according to the Rumanian bureau at Bern, was attacked by Bulgarians as the regiment was landing at Lom Palanka on the Danube, 22 miles southeast of Vidin a few days ago, according to a dispatch from Belgrade today. A lively fusillade ensued, lasting three hours. Three French soldiers were killed.

THE WEATHER.
For Connecticut: Fair tonight and Friday; not much change in temperature; moderate west winds.

Manufacturers Obtain Injunction Against Union

NATIONAL OFFICERS OF HATTERS UNION AGAIN ACCUSED OF INSTIGATING BOYCOTT—HEARING TOMORROW.

Following the precedent established in the famous Loewe boycott suit, in which the Danbury hat manufacturer secured a verdict after years of litigation that finally ended in the United States Supreme Court, against members of the United Hatters of North America, the Rosenwald-Wimpfheimer Company of Norwalk, has started proceedings against the national officers of the Hatters' Union and the locals of Norwalk and Danbury.

The company of which Charles Wimpfheimer is principal owner claims that it was happily operating as a union shop and desired to do so; that the number of union shops making fur bodies for its use was not enough to meet its demands and that the bodies had to be secured from "open" shops which resulted in a strike of the Wimpfheimer employees; that to continue operations it was necessary to resume work as an open shop and since such a move was made, officers of the national organization and their agents together with agents of the locals of Norwalk and Danbury have been carrying on a boycott against the manufacturer's goods of the company and endeavoring to restrain manufacturers from furnishing bodies.

A temporary injunction restraining the union men from using, directly or indirectly, the name of the company has been issued and a hearing will be given the union officials in the superior court here tomorrow morning at 10:15 before Judge William M. Malby. The injunction suit is followed by an action for large damages in which the members of the union will as in the Loewe case be cited as the defendants.

Jeremiah Scully, John O'Hara, Michael Greene, all of Danbury; Roy-ald Raymond of Norwalk, Charles Cullen and Martin Lawlor of New York are the officials of the Hatters' union who are enjoined. They are affiliated with Locals No. 10 and 11 of the United Hatters of North America.

The R. & W. Hat Shop claims to have lost to the amount of \$400,000 and says the profits on these have decreased 25 per cent. because of the present trouble. The shop where the hat bodies were made is conducted by George McLachlan in Danbury.

WANT WILSON TO GIVE FRENCH PACT TO SENATE

Washington, July 24.—A resolution requesting President Wilson to submit to the Senate the treaty by which the United States would promise to aid France in the event of an unprovoked attack by Germany, was offered in the Senate today by Chairman Lodge of the Foreign Relations Committee. Unanimous consent for its members for its immediate consideration was refused by Senator Robinson, Democrat, Arkansas.

Senator Lodge offered the measure after a sharp debate during which Republican spokesmen declared that the terms of the treaty required that it be submitted to the Senate for ratification at the same time as the treaty with Germany.

CANNOT HOLD ENGINEER FOR BOY'S DEATH

That Engineer D. A. Tucker of the train which killed five-year-old Earl Ede at Springfield on July 17 is not criminally liable for the fatality is the finding of Coroner Phelan made today. He finds that the death of the boy was due to accidental causes.

The boy was playing near the railroad tracks when his older brother, who was on the opposite side of the tracks, beckoned to him to go across. Earl started to do so and failed to see the train, which came suddenly around a curve. The boy's head struck the side of the electric motor car and his skull was fractured. The engineer said he blew the whistle when he saw the child on the road but thought the boy stopped before he reached the track.

PACKERS WERE PREPARED TO SUPPLY ALLIES

Industry Mobilized for War Basis Before Lusitania Was Sunk.

Kansas City, Mo., July 24.—Some of the great accomplishments of American business during the war are just beginning to creep to the surface now that the ban of censorship has been removed.

The preparation and handling of meat food products was one of the greatest necessary industries, and it was fortunate for the country that the packing industry was already mobilized for service long before the Lusitania was sunk.

The manner in which the packers met the emergencies which arose during the war is well illustrated in the case of Swift & Co., who, in one week, filled a government order for \$2,000,000 pounds of meat and fat. This necessitated the dressing of 13,600 cattle and 200,000 hogs, and required 1,000 freight cars to transport.

Another instance is found in an order which was received one Saturday afternoon at 5 o'clock for 2,000,000 pounds of a special cut of dry salt meats. The War Department wanted this shipment of forty-three cars boxed and on the way by the following Tuesday noon—less than seventy hours distant. Swift & Co. had the last car loaded and rolling an hour before noon on Tuesday.

In still another case the government could get no one to put up fresh butter in tins for overseas shipment. Swift & Co. accepted an order for 500,000 pounds and a month later the entire order was completed.

A total of \$550,000,000 worth of supplies was furnished by Swift & Co. alone to the American and Allied governments during the war. The peak was reached in December, 1918, when the goods furnished totaled \$35,000,000 in this one month.

WIFE DID NOT HAVE TO TELL OF PAST ACTS

The mere fact that a wife conceals her infidelity from her husband does not absolve him from the duty of supporting her. Judge Curtis of the Superior court decided today when he made a ruling in the case of Sally Noble Bean of New York against Ed-ward A. Bean, a wealthy Greenwich resident. The court ruled that inasmuch as Mrs. Bean is still the wife of the Greenwich resident she is entitled to such remedies to secure her support as the law allows.

Bean claimed that his wife had been unfaithful to him 12 years ago but did not tell him. For that reason he said he was not required to pay her \$100 a month, as he had previously agreed to. Counsel for Mrs. Bean maintained that there was no duty on the wife who has been unfaithful to tell her husband of the fact and the mere concealment of this from the husband was not a fraud on the part of his wife.

Mrs. Bean sued her husband last year for divorce, alleging infidelity and named Sybil Elwood as co-respondent. Her husband filed a cross complaint in which he accused Mrs. Bean of infidelity. The court dismissed both complaints.

TO NEUTRALIZE ALAND ISLES.